

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MCDONALD'S CORPORATION,

Plaintiff,

v.

CIRCA HOSPITALITY GROUP II LLC  
d/b/a THE D LAS VEGAS,

Defendant.

Case No. 2:23-cv-00384-JCM-EJY

**ORDER**

Pending before the Court is Plaintiff's Motion for Leave to File Exhibits 2 and 3 to its Opposition to Motion to Dismiss Under Seal. ECF No. 55. Plaintiff states the contents of the two exhibits contain information that "may affect [Plaintiff's] credibility and reputation as a commercial tenant." *Id.* at 2.

As the party seeking to seal a judicial record, Plaintiff must meet its burden of overcoming the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that "compelling reasons" support secrecy). The mere fact that the production of records may lead to a party's embarrassment, incrimination or exposure to further litigation will not alone compel the court to seal its records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003). Compelling reasons require a demonstration of something more, such as when court files have become a vehicle for improper purposes, including use of records to gratify private spite, promote public scandal, disseminate libelous statements, or circulate trade secrets. *Nixon v. Warner Commc'ns*, 435 U.S. 589, 598 (1978).

The Court reviewed the Motion to Seal as well as the exhibits sought to be sealed and finds Exhibits 2 and 3 are properly sealed.

Accordingly, IT IS HEREBY ORDERED that the Motion for Leave to File Exhibits 2 and 3 to McDonald's Opposition to Motion to Dismiss Under Seal (ECF No. 55) is GRANTED.

1 IT IS FURTHER ORDERED that Exhibits 2 and 3 to McDonald's Opposition to Motion to  
2 Dismiss (ECF Nos. 57-2 and 57-3) are and shall remain sealed.

3 Dated this 2nd day of October, 2023.

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5 ELAYNA J. YOUCHAH  
6 UNITED STATES MAGISTRATE JUDGE  
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